

original packages at El Paso, Tex., alleging that the article had been shipped on or about July 1, 1920, by the Bayle Food Products Co., St. Louis, Mo., and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Bayle Quality Horseradish Mustard, Bayle Food Products Co., St. Louis."

Adulteration of the article was alleged in the libel for the reason that a certain quantity of mustard hulls had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article, and for the further reason that said article had been mixed and colored in a manner whereby the inferiority of the said product was concealed.

Misbranding was alleged for the reason that the designation "Horseradish Mustard" and the statement "Horseradish mustard seed, vinegar, salt and spices colored and flavored with turmeric" and which did not include mustard hulls, were false and misleading and deceived and misled the purchaser when applied to a product containing little or no horse-radish and containing added mustard hulls. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On October 4, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10736. Adulteration and misbranding of cottonseed meal. U. S. v. 170 Bags of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15013. I. S. No. 8749-t. S. No. E-3381.)**

On June 17, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 170 bags of cottonseed meal, at Washington, D. C., alleging that the article had been shipped by the Eastern Cotton Oil Co., Edenton, N. C., on or about January 6, 1921, and transported from the State of North Carolina into the District of Columbia, and was being offered for sale in said District, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cotton Seed Meal Manufactured by Eastern Cotton Oil Co. Edenton, N. C."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, cotton crude fiber, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for cottonseed meal, which the said article purported to be. Adulteration was alleged for the further reason that the said substance, to wit, cotton crude fiber, had been mixed with the article in a manner whereby its damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements, to wit, "Guaranteed Analysis: Protein (Minimum) 38.62 Crude Fiber (Maximum) 10.00," borne on the tags attached to the bags containing the article, regarding the article and the ingredients and substances contained in the said bags, were false and misleading, since the said article did not contain the minimum quantity of protein stated, but did contain a less quantity, to wit, 31.3 per cent, and did contain more than 10 per cent of crude fiber, to wit, 16 per cent, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained the guaranteed minimum of protein, to wit, 38.62 per cent, and that it did not contain more than the guaranteed maximum of crude fiber, to wit, 10 per cent, whereas, in truth and in fact, said article contained less than 38.62 per cent of protein and a greater quantity of crude fiber than 10 per cent. Misbranding was alleged for the further reason that the article was a product containing an excessive amount of crude fiber and a deficient amount of protein, prepared in imitation of and offered for sale under the distinctive name of another article, to wit, cottonseed meal.

On August 16, 1921, the Eastern Cotton Oil Co., Edenton, N. C., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*